

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Re the Application of:

Yasushi SAKAI

Application No.: 10/626,525

Filed: July 25, 2003

For: FILM KEY SHEET AND METHOD OF MANUFACTURING THE SAME

Attorney Docket No.: OHT-0019

Examiner: Not Yet Assigned

Art Unit: 1772

Confirmation No.: 1135

PETITION TO WITHDRAW NOTICE OF OMITTED ITEMS

MAIL STOP MISSING PARTS

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

Applicant hereby petitions the Commissioner for review and withdrawal of the Notice of Omitted Items in a Nonprovisional Application mailed in the above-identified application on May 18, 2004 because the United States Patent and Trademark Office erroneously states that Applicant appears to have omitted from the application drawing Figure 1 described in the specification.

Under the Notice of Omitted Items, Applicant hereby elects Option I which states:

Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130 petition fee (37 CFR 1.17 (h))) with evidence of such deposit must be filed within two months of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

Applicant, through his representatives, filed his original application on July 25, 2003. A copy of a postcard receipt is attached hereto date-stamped by the United States Patent and Trademark Office indicating that 12 sheets of drawings were received. Please note that this postcard receipt includes the initials of two (2) of Applicant's representatives who had reviewed the application documents for completeness prior to filing with the USPTO. Furthermore, all 12 sheets of drawings include a legend on the reverse side indicating that that particular sheet of drawing is

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sheet "X" of 12 indicating that each drawing sheet filed is one of a series of sheets in a set of 12 drawing figure sheets. By way of example, drawing Figure 1 as sheet 1 of 12 is attached hereto as a two-sided photocopy of such drawing figure that was originally filed with the USPTO on July 25, 2003.

On April 27, 2004, Examiner Little telephoned the Applicant's representatives and requested a complete duplicate copy of the application that was filed by the Applicant on July 25, 2003. The Examiner advised Applicant's representatives that as a result of an "operational problem" at the USPTO, a complete duplicate copy of the application and the associated papers filed contemporaneously therewith is now required by the USPTO. A copy of the Communication to Examiner is filed herewith reflecting Applicant's compliance with the Examiner's request for a complete duplicate copy of the application. Although not specifically stated by the Examiner, it was suggested by the Examiner that the original application was either misplaced or otherwise mishandled by the USPTO.

Also, a photocopy of postcard receipt (attached hereto) date-stamped by the USPTO on May 3, 2004, lists all of the duplicate copies of the application documents that were filed by the Applicant in response to the Examiner's request for the same. Please note that the date-stamped postcard receipt indicates that the USPTO acknowledges receipt of 12 sheets of drawing figures (with drawing Figure 1 being sheet 1 of 12).

Applicant's representative asserts that a complete copy of the duplicate application that was filed with the United States Patent and Trademark Office on May 3, 2004, has been maintained in the law office file of the Applicant's representative and further asserts that the drawing sheet of Figure 1 sheet included in the assemblage of the filed duplicate documents is in this file.

It is respectfully submitted that the United States Patent and Trademark Office appears to have misplaced or mishandled the alleged missing drawing Figure 1.

Therefore, Applicant respectfully requests an official withdrawal of the Notice of Omitted Item(s) and the application be forwarded to the Examiner for prosecution. Further, Applicant respectfully requests that the filing date for the filing of drawing Figure 1 be granted.

The Commissioner is hereby authorized to charge the petition fee and any other fee necessary to advance this matter to Deposit Account No. 18-0013. Please charge any fee deficiency or credit any overpayment with respect to this paper to Deposit Account No. 18-0013.


Upon granting of this petition, Applicant respectfully requests a refund of the petition fee as provided under the rules.

The USPTO is invited to telephone the undersigned to expedite treatment of this Petition and for any further information that might be helpful in granting this Petition.

Respectfully submitted,

Date: June 4, 2004

By:


David T. Nikaido
Reg. No. 22,663

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Enclosure(s): Copy of date-stamped Postcard for original application filing
 Copy of drawing Fig. 1 (two-sided copy)
 Copy of Communication to Examiner
 Copy of date-stamped Postcard for duplicate copy filing
 Copy of Notice of Omitted Item(s)

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